

Minutes of the Land Use, Parks and Environment Committee - September 30, 2003

The meeting was called to order at 8:39 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Pauline Jaske, James Jeskewitz, Scott Klein (arrived at 8:46 a.m.), William Mitchell, Daniel Pavelko, Vera Stroud (arrived at 8:40 a.m.) and Land Conservation Member Bob Stigler

Staff Present: Legislative Policy Advisor Mark Mader, Legis.Associate Sandra Meisenheimer

Also Present: Parks and Land Use Land Resources Manager Perry Lindquist, NRCS District Conservationist John White, Planning and Zoning Manager Dick Mace, County Board Supervisors Sandy Wolff and Rodell Singert

Approve Minutes of September 9, 2003

Motion: Jeskewitz moved, second by Pavelko, to approve the minutes of September 9, 2003.

Motion carried 5 – 0.

Stroud and Klein arrived at the meeting.

Consider Proposed Ordinance: 158-O-071 Authorize Parks and Land Use Department to Negotiate and Execute Agreements with Non-participating Municipalities and School Districts for Recycling Services

Lindquist explained the ordinance, which under the agreements, the county would charge new communities a tipping fee based on historical recycling processing costs per ton and return an amount equal to the actual materials sales revenues received. New participants would also receive the associated state recycling grant revenues received. The difference between the estimated tipping fee revenues and the materials processing costs is to be retained by the county. Based on 3,000 tons of recyclable materials, the net amount retained is estimated at \$59,040. Currently there are 25 communities working with the county.

Lindquist said this ordinance, as well as the next one, is related to the 2004 budget but are being moved ahead of the budget process because there is a deadline in the grant cycle for the end of October.

Motion: Jaske moved, second by Mitchell, to approve Proposed Ordinance 158-O-071. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-077 Authorize Department of Parks and Land Use to Apply for and Accept DNR Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grants

Lindquist explained that this ordinance is basically a paperwork mechanism for the DNR in order to apply for the recycling incentive grants.

Motion: Jaske moved, second by Stroud, to approve Proposed Ordinance 158-O-077. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-070 Approval of 3-Way Mining Agreement Between the Waukesha County Department of Parks and Land Use, Johnson Sand & Gravel, Inc. and Wolf Construction Co., Inc.

Lindquist gave a power point presentation of the Waukesha County Reclamation and Yard Waste

Composting Project. He covered the following areas as the committee asked questions: project background and overview, permit process, site analysis, yard and wood waste processing, nonmetallic mining operation, and the 3-way mining agreement summary. Lindquist said the proposed end land use is for a business park consisting of 18 lots of 3+ acres each. No rezoning is required as it is zoned General Industrial. He also reviewed the proposed grading.

Lindquist stated that there are three permit issues that were discussed at a Park and Planning Commission meeting which were: 1) lowering the speed limit on CTH C from 50 to 45 mph, 2) performance bond vs. letter of credit, and 3) town enforcement of county zoning.

On Page 9, the committee discussed (e) Performance Bond and whether Letter of Credit should be added. Klein asked what is the timing on this? Lindquist said the Town and the attorneys are working on it as we speak. Klein said then we should leave this as it is because they are addressing it. Mader said Lindquist should check with Corporation Counsel Farley on this before it goes to the County Board in case an amendment is necessary. Lindquist suggested that "or letter of credit" be added to broaden the scope of this issue.

Motion: Mitchell moved, second by Jaske, to add "or *Letter of Credit*" after (e) *Performance Bond* on Page 9 of the attachments to the ordinance. **Motion carried 7 – 0.**

Motion: Jaske moved, second by Mitchell, to approve Proposed Ordinance 158-O-070 as amended. **Motion carried 7 – 0.**

Cost Share Project Updates

Lindquist stated that previously all cost share agreements were presented to the committee on a continual basis throughout the year, but now with the committee's approval he reports periodically. He distributed "Summary of Cost-Share Program Payments 2002" and reviewed the document with the committee. He showed pictures of the Bruss streambank project along the Fox River, the Fox River Olson Property Conceptual Development Plan, the Big Bend Lions Club Streambank Protection Project, and the Hintz Wetland Restoration Project.

Consider Proposed Ordinance: 158-O-064 Amend the Town of Genesee District Zoning Map of the Waukesha County Zoning Code for the Town of Genesee by Rezoning Certain Lands Located in Part of the SE ¼ of Section 27, T6N, R18E, Town of Genesee, from the A-2 Rural Home District to the R-1 Residential District (CZ-1493)

Mace explained that the area being proposed for rezoning is part of a larger parcel, which is approximately 23.5 acres in size. The proposed rezoning to R-1, Residential District, would require a minimum lot size of one acre, which allows that portion of the property on the east side of CTH 83 to be sold separately from the remainder of the property and to be developed with a single-family residence. The Town of Genesee Plan Commission and the Genesee Town Board both voted to deny the proposed rezoning. The Planning and Zoning staff is also recommending that this request be denied. The majority of the existing lots on the east side of STH 83 are three acres or larger, and it has not been demonstrated that there would be a safe access to the land proposed to be rezoned. In addition, the creation of a parcel slightly less than two acres in size, within the Primary Environmental Corridor, is not in conformance with the County Development Plan.

Motion: Klein moved, second by Pavelko, to approve Proposed Ordinance 158-O-064. **Motion denied 7 – 0.**

Consider Proposed Ordinance: 158-O-067 Amend the District Zoning Map of the Town of Delafield Zoning Ordinance by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ and SE ¼ of the NW ¼ of Section 36, T7N, R18E, Town of Delafield, from the A-1 Agricultural District to the A-2 Rural Home District. (ZT-1495)

Mace explained the rezoning which is being requested in order to divide the property, containing 44.51 acres, into a total of eight parcels in the future, each approximately five acres in size. The Town of Delafield Plan Commission voted to approve the request as did the Delafield Town Board. Subsequently, the Planning and Zoning Division staff suggested that a condition dealing with future access be incorporated which the Town Board approved. The proposed amendment is consistent with the County Development Plan and therefore the Planning staff is recommending approval subject to two conditions as outlined in the ordinance. Klein and Mitchell questioned why 8 lots should be approved when only 4 are possible unless CTH "G" is fixed.

Motion: Jeskewitz moved, second by Pavelko, to approve Proposed Ordinance 158-O-067.
Motion carried 5 – 2; Klein and Mitchell voting no.

Consider Proposed Ordinance: 158-O-068 Amend the Waukesha County Shoreland and Floodland Protection Ordinance of the Town of Oconomowoc, by Rezoning Certain Lands Located in Part of the SE ¼ of Section 24, T8N, R17E, Town of Oconomowoc, from the A-T Agricultural Land Preservation Transition District to the R-3 Residential District (SZ-1492)

Mace explained the rezoning which involves approximately 2.2 acres of land to be divided into an additional parcel on which to construct a new residence. The proposed rezoning, which will allow two, one-acre parcels comply with those designations which provide for densities ranging from ½ acre to 1.4 acres. The Planning and Zoning staff is recommending approval as outlined in the staff report and recommendation.

Motion: Mitchell moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-068.
Motion carried 7 – 0.

Consider Proposed Ordinance: 158-O-069 Amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, for the Town of Oconomowoc by Rezoning Certain Lands Located in Sections 8, 9, 16, 21, 22, 23, 26, 35 and 36 to Various Zoning Districts of the Town of Oconomowoc, Waukesha County, Wisconsin (SCZ-1491)

Mace summarized the rezoning request for the 15 properties, which the Planning staff is recommending approval of. All of the changes reflect the recommendations of the recently adopted and revised Town of Oconomowoc Land Use Plan and the Waukesha County Development Plan and are consistent with those plans. This process is exactly what the Waukesha County Development Plan and Town Land Use Plans envision to implement the plans.

Motion: Pavelko moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-069.
Motion carried 7 – 0.

Consider Proposed Ordinance: 158-O-072 Amend the Regional Water Quality Management Plan for the City of Waukesha, Waukesha County, Wisconsin

Mace summarized the resolution, which adopts the amendment requested by the City of Waukesha. He stated in this case building permits are being held up for the restaurant and dance hall until this goes through. This has been done for many communities but most of the time it is for areas that are being added for sewer service. This amendment is for holding tanks.

Motion: Jaske moved, second by Jeskewitz, to approve Proposed Ordinance 158-O-072. **Motion carried 6 – 1; Klein voting no.**

Consider Proposed Ordinance: 158-O-073 Amend the District Zoning Map of the Town of Brookfield Zoning Ordinance by Rezoning Certain Lands Located in Part of the NE ¼ of Section 29, T7N, R20E, Town of Brookfield, from the B-3 Office and Professional Business District to the RM-2 Multi-Family Residential and Conservancy Districts (ZT-1443)

Mace reviewed the rezoning which is proposing the development of an 18-unit condominium complex on 2.62 acres of land consisting of three 4-unit structures and three 2-unit structures. It is the recommendation of the Planning and Zoning staff that this request be approved. The proposed use of this site is consistent with the Waukesha County Development Plan and the area is served with municipal sewer and water. Further, the road has been improved and safe access to the site should be available upon development.

Motion: Jaske moved, second by Klein, to approve Proposed Ordinance 158-O-073. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-074 Amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, for the Town of Oconomowoc by Conditionally Rezoning Certain Lands Located in Part of the SW ¼ of Section 23, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-P Agricultural Land Preservation District to the R-3 Residential and A-1 Agricultural Districts (SCZ-1490)

Mace explained the rezoning involving 64.5 acres of land, which is proposing single-family residential uses with density not to exceed one single-family dwelling unit per acre with lot sizes ranging from 25,000 sq.ft. to one acre in area with common open space. The Planning and Zoning Division staff is recommending approval of the request as conditioned by the Town and which conforms to the County and Town Land Use Plans. The proposed project does result in a development consistent with other development in the vicinity.

Motion: Jeskewitz moved, second by Stroud , to approve Proposed Ordinance 158-O-074. **Motion carried 7 – 0.**

Consider Proposed Ordinance: 158-O-075 Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map in the Village of Mukwonago by Conditionally Rezoning Certain Lands Located in the SE ¼ and SW ¼ of Section 19 and the NW ¼ of Section 30, T5N, R19E, Village of Mukwonago, from the RRD-5 Rural Residential Density District 5 and the A-E Exclusive Agricultural Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts (SVZ-1489)

Mace reviewed the rezoning which involves approximately 93 acres to be used for a residential subdivision containing 89 lots. The Planning and Zoning staff is recommending approval with four conditions as outlined in the ordinance. This project meets the intent and purposes of the Waukesha County Development Plan and the County's Parks and Open Space Plan. Mace stated this development is all sewer and water. The wetlands are all protected and will be dedicated. The floodplain is all being dedicated with the exception of some very minor amounts on the rear of lots. The larger out-lots will be owned by the homeowner's group. The land on the other side of the river is also being dedicated.

Motion: Jeskewitz moved, second by Mitchell, to approve Proposed Ordinance 158-O-075.
Motion carried 7 – 0.

Consider Proposed Ordinance: 158-O-076 Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map of the City of Pewaukee by Rezoning Certain Lands Located in Part of the NE ¼ and SE ¼ of Section 1, T7N, R19E, City of Pewaukee, Waukesha County, Wisconsin, from the A-P Agricultural Land Preservation District to the R-3 Residential District (SVZ-1485)

Mace explained the rezoning which contains approximately 18.5 acres to be subdivided into a 132 lot residential subdivision. The single-family lots would range in size, with a majority of the lots ranging in size from 15,000 sq.ft. to 20,000 sq.ft. The Planning and Zoning staff is recommending approval. The proposed zoning change is consistent with the densities of other developments in the area and is in conformance with the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance. It is also in conformance with the Waukesha County Land Development Plan and the City of Pewaukee Land Use Plan.

Motion: Jeskewitz moved, second by Pavelko, to approve Proposed Ordinance 158-O-076.
Motion carried 6 – 1; Jaske voting no.

Executive Committee Report

Kolb advised of the following issues discussed at the last Executive Committee meeting.

- Discussion and Consideration of the following 2004 budgets: Non-Departmental, Community Development Block Grant, Waukesha County Federated Library System.
- Budgeting for Retirees Health Benefits

Public Comment

Jeskewitz commented that County Executive Dan Finley has said to save money, program services and positions have to be cut. In Milwaukee, County Executive Scott Walker has said one of his priorities in the future is to eliminate his job. Jeskewitz said we should start at the top and work our way down. This should be looked at.

Report by Supervisor Jaske on the Southeast Area Land & Water Conservation Area Tour in Elkhorn, Wisconsin on September 9, 2003

This item was held over to the next meeting.

Motion to adjourn: Pavelko moved, second by Mitchell, to adjourn the meeting at 12:50 p.m.
Motion carried 7 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

/sm